

DAVID T. MALOOF (DM 3350)
 THOMAS M. EAGAN (TE 1713)
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF AMERICA and SOMPO JAPAN INSURANCE, INC.	: 07 Civ. 2735 (DC)
	:
<i>Plaintiffs,</i>	:
- against -	:
NORFOLK SOUTHERN RAILWAY COMPANY, NORFOLK SOUTHERN CORPORATION and THE KANSAS CITY RAILWAY COMPANY	: DECLARATION OF THOMAS M. EAGAN IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT RE: <u>UNISIA AUTOPARTS SHIPMENT</u>
	:
<i>Defendants.</i>	:
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I, Thomas M. Eagan, declare that I am a member of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc.

1. Attached as Exhibit 20 is a true copy of the Deposition of Yosiyuki Kato of Hitachi, Ltd..
2. Attached as Exhibit 21 is a true copy of the Unisia Parts Inspection Certificates (Unisia Dep. Ex. 1).
3. Attached as Exhibit 22 is a true copy of the translation of Exhibit 21 (Unisia Dep. Ex. 2).

4. Attached as Exhibit 23 is a true copy of photographs of the Autoparts Cargo (from Unisia Dep. Ex. 13; Bartek Dep. Exs. 69-71).

5. Attached as Exhibit 24 is a true copy of the Inspection Results (Unisia Dep. Ex. 10).

6. Attached as Exhibit 25 is a true copy of the Deposition of Ms. Akiko Hoover.

7. Attached as Exhibit 26 is a true copy of the Container Load Plan (Unisia Dep. Ex. 3).

8. Attached as Exhibit 27 is a true copy of the Invoice and Packing List (Unisia Dep. Ex. 4).

9. Attached as Exhibit 28 is a true copy of the Invoice and Packing List (Unisia Dep. Ex. 5).

10. Attached as Exhibit 29 is a true copy of the Nippon Express Bill of Lading, and as Exhibit 29A a true copy of the Yang Ming bill of lading concerning the Unisia Shipment (Unisia Dep. Ex. 6; Ex. 3 to Plaintiffs' prior Motion for Partial Summary Judgment).

11. Attached as Exhibit 30 is a true copy of the itemization of Damages (Unisia Dep. Ex. 8).

12. Attached as Exhibit 31 is a true copy of the Certificate of Destruction (Unisia Dep. Ex. 11).

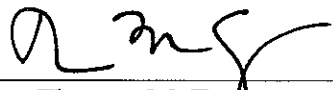
13. Attached as Exhibit 32 is a true copy of the Hoover Declaration dated February 25, 2009.

14. Attached as Exhibit 33 is a true copy of the Subrogation Receipt and check (Unisia Dep. Ex. 12).

I declare the foregoing is true and correct under the penalty of perjury of the laws

of the United States.

Dated: Rye, New York
March 18, 2009



Thomas M. Eagan

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